

### **REMARKS**

In the Final Office Action mailed May 19, 2006, claims 10-11, 15-16, 22-23, 25 and 26 were rejected under 35 U.S.C. 102(a). Claims 12-14, 17-21 and 24 were objected to as being dependent upon a rejected base claim, but were said to be allowable if rewritten in independent form.

#### **35 U.S.C. 102(a) rejection**

The Office Action stated "The Declaration under 37 CFR 1.132 filed 2/17/06 is insufficient to overcome the rejection of claims 10-11, 15-16, 22-23, 25 and 26 based upon 35 USC 102(a) as set forth in the last Office action because: The declaration does not adequately set forth that the inventorship of the application is correct in light of the cited reference. . . No unequivocal statement is made regarding the inventorship of the subject matter disclosed in the Boder et al. reference and how this relates to the inventorship of the subject matter recited in the claims subject to the 102(a) rejection."

In response, a Declaration of the inventors is submitted with this response which makes an unequivocal statement regarding the inventorship of the subject matter disclosed in the Boder et al. reference and how this relates to the inventorship of the subject matter recited in the claims subject to the 102(a) rejection. The Declaration sets forth that the inventorship of the application is correct in light of the cited reference. It is believed this Declaration overcomes the rejection. Reconsideration and withdrawal of the rejection is respectfully requested.

#### **Objection of claims 12-14, 17-21 and 24**

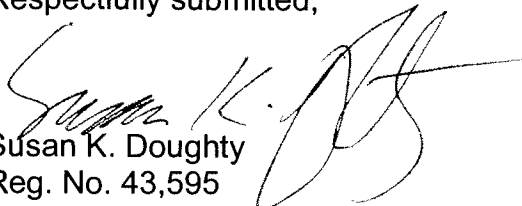
In view of the arguments and evidence presented herein, it is believed that claims 12-14, 17-21 and 24 are dependent on an allowable claim. Reconsideration and withdrawal of the objection is respectfully requested.

### **CONCLUSION**

In view of the above, it is believed the application is in condition for allowance. If there are any issues remaining, the Examiner is respectfully requested to telephone the undersigned.

It is believed fees for three months extension of time are due in the amount of \$1020.00. This submission is part of a Request for Continued Examination. The fee of \$790.00 is believed due for the Request for Continued Examination. The undersigned hereby authorizes that the appropriate fee, including the fee for any extensions of time required, from Deposit Account 07-1969.

Respectfully submitted,

  
Susan K. Doughty  
Reg. No. 43,595

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Attorney Docket No. 97-99E  
November 17, 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/738,454 Confirmation No. 8855  
Applicant : Wittrup et al.  
Filed : December 16, 2003  
TC/A.U. : 1636  
Examiner : David Guzo  
For : YEAST CELL SURFACE DISPLAY  
OF PROTEINS AND USES THEREOF  
Docket No. : 97-99E  
Customer No.: 23713

Commissioner for Patents  
MAIL STOP AMENDMENT  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING	
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11/17/06 Date	Cathy Nelson Cathy Nelson

**DECLARATION OF K. DANE WITTRUP, DAVID M. KRANZ,  
MICHELE KIEKE AND ERIC T. BODER**

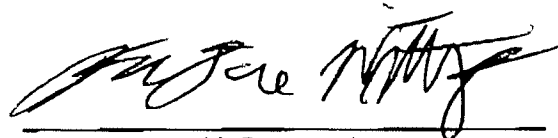
We hereby declare as follows:

1. That we have read and understand the above-referenced application, including the claims and the Office Actions mailed May 19, 2006 and August 23, 2005.
2. That the Boder abstract used in the 35 U.S.C. 102(a) rejection was prepared by co-inventors Boder and Wittrup for a poster presentation made by Boder and Wittrup.
3. That all named inventors made original intellectual contributions to the conception of the invention as claimed in the claims that were rejected over the Boder et al. abstract used in the outstanding 102(a) rejection.

4. That all persons named as co-inventors of the above-referenced application made original intellectual contributions to the conception of at least one claim pending in the above-referenced application.
5. That the inventorship of the claims pending in the above-referenced application is correct.
6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

11/17/06

Date



K. Dane Wittrup

Date

David M. Kranz

Date

Michele Kieke

Date

Eric T. Boder

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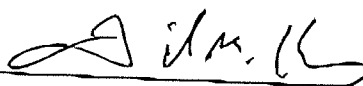
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K. Dane Wittrup

11/9/06  
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David M. Kranz

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Michele Kieke

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K. Dane Wittrup

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Date

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David M. Kranz

11/6/06  
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Date

*Michele C. Kieke*  
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Michele Kieke

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Date

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Eric T. Boder



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## DECLARATION OF K. DANE WITTRUP, DAVID M. KRANZ, MICHELE KIEKE AND ERIC T. BODER

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Date

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David M. Kranz

\_\_\_\_\_  
Date

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Michele Kieke

11-3-06  
Date

*Eric T. Boder*  
Eric T. Boder